



*United States Attorney
Southern District of New York*

FOR IMMEDIATE RELEASE
SEPTEMBER 30, 2004

CONTACT: U.S. ATTORNEY'S OFFICE
HERBERT HADAD, MEGAN GAFFNEY
PUBLIC INFORMATION OFFICE
(212) 637-2600

**CASE AGAINST FBI AGENT DISMISSED IN CIVIL RIGHTS SUIT
BROUGHT BY FORMER MATERIAL WITNESS**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced today that the United States District Court had ruled in a civil suit in favor of an FBI Special Agent who had been involved in conducting a polygraph examination of an individual who had been held as a material witness following the events of September 11, 2001.

In a 57-page opinion issued today, United States District Judge NAOMI REICE BUCHWALD granted summary judgment in favor of FBI Special Agent Michael Templeton in the case of Abdallah Higazy v. Millenium Hotel and Resort, et al., 02 Civ. 9802 (NRB).

As the court found, on December 17, 2001, the FBI arrested plaintiff Abdallah Higazy as a material witness suspected by the Government of having involvement in, or knowledge of, the September 11, 2001, attacks on the World Trade Center. Approximately one month later, the Government brought criminal charges against Higazy, which were promptly dismissed when it was discovered that a security guard at the Millenium

Hotel had falsely informed the FBI that Higazy possessed a two-way air band transceiver capable of sending and receiving signals to commercial aircraft while Higazy was a guest at the hotel in a room facing the World Trade Center on September 11, 2001.

In his Complaint, Higazy alleged that Special Agent Templeton violated his constitutional rights during a polygraph examination conducted while Higazy was held as a material witness. In rejecting all of Higazy's claims against Special Agent Templeton, the Court held that Higazy's allegations, even if true, did not violate his Fourth Amendment or Sixth Amendment rights. Judge BUCHWALD also concluded that the plaintiff's claims under the Fifth and Sixth Amendments should be dismissed under the doctrine of qualified immunity because the alleged conduct was not "objectively unreasonable in light of clearly established law."

A copy of the Court's opinion is attached.

Assistant United States Attorneys SEAN LANE and HEATHER MCSHAIN are in charge of the case.

04-203

###